

1 A bill to be entitled
2 An act relating to government administration; amending
3 s. 11.26, F.S.; revising the employees required to
4 have permission of the presiding officers of both
5 houses before accepting certain employment; amending
6 s. 11.40, F.S.; revising duties of the Legislative
7 Auditing Committee, the Department of Revenue, and the
8 Department of Financial Services relating to the
9 failure of certain entities to comply with specified
10 auditing and financial reporting requirements;
11 revising procedures that the Department of Revenue and
12 the Department of Financial Services may take upon
13 receipt of certain advice; removing Legislative
14 Auditing Committee procedures for conducting audits;
15 creating s. 11.405, F.S.; creating the Florida
16 Accountability Office within the Legislature for
17 specified purposes; providing for the administration
18 of such office in a specified manner; providing that
19 the office shall consist of certain units; providing
20 leadership selection and terms of office for certain
21 such units; providing responsibilities and
22 organization of certain units; providing requirements
23 for actions between and among such units; providing
24 the office location; requiring the Legislature to
25 provide certain administrative support; providing

26 requirements for spending decisions and budgeting;
27 requiring the office to employ persons for a specified
28 purpose; requiring the office to make certain
29 employment-related decisions with the approval of
30 specified persons; prohibiting certain officers and
31 employees of the office from certain activities
32 relating to political parties and candidates;
33 requiring certain parties to resign before becoming a
34 candidate for election; creating s. 11.406, F.S.;
35 defining the terms "appropriations project" and
36 "investigation"; providing procedures for submitting
37 complaints; providing procedures to be taken by the
38 Public Integrity Division upon receipt of a complaint;
39 authorizing the division to inspect and investigate
40 certain items and locations; authorizing the division
41 to agree to retain the confidentiality of such
42 information; authorizing specified entities to issue
43 subpoenas in a certain manner; providing procedures
44 for the enforcement of such subpoenas; requiring the
45 division to receive certain reports; requiring the
46 Auditor General and the division to randomly select
47 and review, investigate, or audit certain projects and
48 entities beginning in a specified fiscal year;
49 providing requirements for such reviews,
50 investigations, and audits; requiring the Auditor

51 General to make certain determinations about
52 recommended audits; requiring such determinations be
53 reported to the Joint Legislative Auditing Committee;
54 creating s. 11.407, F.S.; requiring the General
55 Accountability Division of the office to conduct
56 certain operational and compliance audits beginning on
57 a specified date; authorizing the division to assist
58 other units of the office in conducting certain audits
59 and investigations; amending s. 11.42, F.S.; revising
60 a requirement that the Auditor General possess certain
61 requirements; requiring a deputy director of auditing
62 who possesses certain qualifications be appointed in
63 certain circumstances; requiring the Auditor General
64 to consult with certain entities for a specified
65 purpose; requiring the Auditor General to adopt
66 certain rules; revising rulemaking authority of the
67 Auditor General; amending s. 11.45, F.S.; defining the
68 term "compliance audit"; revising the definition of
69 the term "operational audit"; providing that duties of
70 the office are independent of an audited entity;
71 revising the entities authorized to direct the office
72 to conduct an audit or engagement; revising the
73 frequency with which audits and engagements may be
74 conducted; specifying that certain provisions apply to
75 examinations and investigations; authorizing a

76 designated representative of the office to discuss an
77 audit, examination, or investigation with certain
78 officials; providing an alternate deadline for
79 responses to findings; revising the circumstances
80 under which the Legislative Auditing Committee is
81 notified of the failure of certain school boards and
82 institutions to take corrective action; amending ss.
83 11.47 and 11.51, F.S.; conforming provisions to
84 changes made by the act; amending s. 14.32, F.S.;
85 revising the entities with whom the Chief Inspector
86 General is required to report and cooperate; amending
87 s. 112.3187, F.S.; revising legislative intent;
88 revising the types of disclosures that receive certain
89 protections; amending s. 112.3188, F.S.; providing
90 that the office is included in certain confidentiality
91 provisions; revising the types of disclosures that
92 receive certain protections; revising the reports that
93 receive certain confidential protection to include
94 reports of certain suspected acts; revising the
95 entities authorized to receive certain confidential
96 information; amending s. 112.3189, F.S.; including the
97 office in the list of entities required to conduct
98 certain investigations in a specified manner;
99 providing that specified persons may determine that an
100 investigation is not required; requiring certain

information from the whistle-blower's hotline be
communicated to the office at least once per month;
requiring such information be maintained in a certain
manner; amending s. 112.31901, F.S.; authorizing the
office to review certain records; amending s.
112.3215, F.S.; revising how certain documents and
information may be accessed for audits and
examinations; amending s. 112.324, F.S.; authorizing
additional entities to refer matters to the Commission
on Ethics; amending s. 216.011, F.S.; revising the
definition of the term "fixed capital outlay";
amending s. 216.023, F.S.; revising the frequency with
which a state agency must submit its legislative
budget request; repealing s. 216.052, F.S., relating
to community budget requests and appropriations;
amending s. 216.137, F.S.; requiring certain
workpapers be posted on a public website a certain
time before a meeting or session; amending s. 216.177,
F.S.; revising the circumstances under which a
specified notification regarding spending authority
may be made; amending s. 216.192, F.S.; providing that
the approval of annual release plans is a budget
action; amending s. 261.222, F.S.; revising conditions
under which money may be provided for a state
emergency; amending s. 216.262, F.S.; requiring the

126 use of the most recent removing the expiration of a
127 certain procedure; amending s. 216.292, F.S.;
128 authorizing specified appropriations to be transferred
129 between certain entities under certain circumstances;
130 authorizing the Executive Office of the Governor to
131 transfer certain funds for a specified purpose;
132 providing that certain transfers and adjustments are
133 subject to specified procedures; removing the
134 expiration of a certain review of transfers; removing
135 a requirement that the Legislature authorize certain
136 transfers; amending ss. 409.8134 and 409.902, F.S.;
137 authorizing specified entities to submit budget
138 amendments in a certain manner; amending ss. 20.055
139 and 760.06, F.S.; requiring each state agency to
140 review and report certain rules to the Joint
141 Legislative Auditing Committee; requiring the Auditor
142 General, the Joint Legislative Auditing Committee, and
143 the Office of Program Policy Analysis and Government
144 Accountability to jointly review certain audit
145 requirements and deliver a report to certain entities
146 by a specified date; requiring the report to contain
147 certain information; authorizing the President of the
148 Senate and the Speaker of the House of Representatives
149 to provide certain personnel and support for a
150 specified purpose; authorizing the Administrative

Procedures Committee and the Division of Law Revision to provide certain assistance for a specified purpose; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (3) of section 11.26, Florida Statutes, is amended to read:

11.26 Legislative employees; employment restrictions.—No employee of the Legislature shall:

(3) No full-time legislative employee shall be otherwise employed, except with the written permission of the presiding officer of the house by which he or she is employed. Employees of joint committees, joint offices, or the Florida Accountability Office must have the permission of the presiding officers of both houses.

Section 2. Paragraphs (a) and (b) of subsection (2) of section 11.40, Florida Statutes, are amended to read:

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, the Governor or his or her designee, or the Commissioner of Education or his or her designee of the failure of a local governmental entity, district school board, charter school, or charter technical career center

176 to comply with the applicable provisions within s. 11.45(5)-(7),
177 s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative
178 Auditing Committee may schedule a hearing to determine if the
179 entity should be subject to further state action. If the
180 committee determines that the entity should be subject to
181 further state action, the committee shall:

182 (a) In the case of a local governmental entity or district
183 school board, advise ~~direct~~ the Department of Revenue and the
184 Department of Financial Services to withhold any funds not
185 pledged for bond debt service satisfaction which are payable to
186 such entity until the entity complies with the law. Upon receipt
187 ~~of the committee shall specify the date that such advice, action~~
188 ~~must begin, and the directive must be received by the Department~~
189 ~~of Revenue and the Department of Financial Services shall have~~
190 ~~the authority to withhold such funds until the entity complies~~
191 ~~with the law. Beginning 30 days after receiving such advice,~~
192 ~~each department must either withhold all such funds or report~~
193 ~~the reasons for not doing so to the committee before the date of~~
194 ~~the distribution mandated by law. The Department of Revenue and~~
195 ~~the Department of Financial Services may implement this~~
196 ~~paragraph.~~

197 (b) In the case of a special district created by:

198 1. A special act, notify the President of the Senate, the
199 Speaker of the House of Representatives, the standing committees
200 of the Senate and the House of Representatives charged with

201 special district oversight as determined by the presiding
202 officers of each respective chamber, the legislators who
203 represent a portion of the geographical jurisdiction of the
204 special district, and the Department of Commerce that the
205 special district has failed to comply with the law. Upon receipt
206 of notification, the Department of Commerce shall proceed
207 pursuant to s. 189.062 or s. 189.067. If the special district
208 remains in noncompliance after the process set forth in s.
209 189.0651, or if a public hearing is not held, the Legislative
210 Auditing Committee may notify ~~request~~ the department, which
211 shall ~~to~~ proceed pursuant to s. 189.067(3).

212 2. A local ordinance, notify the chair or equivalent of
213 the local general-purpose government pursuant to s. 189.0652 and
214 the Department of Commerce that the special district has failed
215 to comply with the law. Upon receipt of notification, the
216 department shall proceed pursuant to s. 189.062 or s. 189.067.
217 If the special district remains in noncompliance after the
218 process set forth in s. 189.0652, or if a public hearing is not
219 held, the Legislative Auditing Committee may notify ~~request~~ the
220 department, which shall ~~to~~ proceed pursuant to s. 189.067(3).

221 3. Any manner other than a special act or local ordinance,
222 notify the Department of Commerce that the special district has
223 failed to comply with the law. Upon receipt of notification, the
224 department shall proceed pursuant to s. 189.062 or s.
225 189.067(3).

226 **Section 3. Effective November 18, 2027, subsection (3) of**
227 **section 11.40, Florida Statutes, is amended to read:**

228 11.40 Legislative Auditing Committee.—

229 ~~(3)(a) As used in this subsection, "independent contract~~
230 ~~auditor" means a state-licensed certified public accountant or~~
231 ~~firm with which a state-licensed certified public accountant is~~
232 ~~currently employed or associated who is actively engaged in the~~
233 ~~accounting profession.~~

234 ~~(b) Audits specified in this subsection cover the~~
235 ~~quarterly compensation reports for the previous calendar year~~
236 ~~for a random sample of 3 percent of all legislative branch~~
237 ~~lobbying firms and a random sample of 3 percent of all executive~~
238 ~~branch lobbying firms calculated using as the total number of~~
239 ~~such lobbying firms those filing a compensation report for the~~
240 ~~preceding calendar year. The committee shall provide for a~~
241 ~~system of random selection of the lobbying firms to be audited.~~

242 ~~(c) The committee shall create and maintain a list of not~~
243 ~~less than 10 independent contract auditors approved to conduct~~
244 ~~the required audits. Each lobbying firm selected for audit in~~
245 ~~the random audit process may designate one of the independent~~
246 ~~contract auditors from the committee's approved list. Upon~~
247 ~~failure for any reason of a lobbying firm selected in the random~~
248 ~~selection process to designate an independent contract auditor~~
249 ~~from the committee's list within 30 calendar days after being~~
250 ~~notified by the committee of its selection, the committee shall~~

~~assign one of the available independent contract auditors from the approved list to perform the required audit. No independent contract auditor, whether designated by the lobbying firm or by the committee, may perform the audit of a lobbying firm where the auditor and lobbying firm have ever had a direct personal relationship or any professional accounting, auditing, tax advisory, or tax preparing relationship with each other. The committee shall obtain a written, sworn certification subject to s. 837.06, both from the randomly selected lobbying firm and from the proposed independent contract auditor, that no such relationship has ever existed.~~

~~(d) Each independent contract auditor shall be engaged by and compensated solely by the state for the work performed in accomplishing an audit under this subsection.~~

~~(e) Any violations of law, deficiencies, or material misstatements discovered and noted in an audit report shall be clearly identified in the audit report and be determined under the rules of either house of the Legislature or under the joint rules, as applicable.~~

~~(f) If any lobbying firm fails to give full, frank, and prompt cooperation and access to books, records, and associated backup documents as requested in writing by the auditor, that failure shall be clearly noted by the independent contract auditor in the report of audit.~~

~~(g) The committee shall establish procedures for the~~

~~selection of independent contract auditors desiring to enter into audit contracts pursuant to this subsection. Such procedures shall include, but not be limited to, a rating system that takes into account pertinent information, including the independent contract auditor's fee proposals for participating in the process. All contracts under this subsection between an independent contract auditor and the Speaker of the House of Representatives and the President of the Senate shall be terminable by either party at any time upon written notice to the other, and such contracts may contain such other terms and conditions as the Speaker of the House of Representatives and the President of the Senate deem appropriate under the circumstances.~~

~~(h) The committee shall adopt guidelines that govern random audits and field investigations conducted pursuant to this subsection. The guidelines shall ensure that similarly situated compensation reports are audited in a uniform manner. The guidelines shall also be formulated to encourage compliance and detect violations of the legislative and executive lobbying compensation reporting requirements in ss. 11.045 and 112.3215 and to ensure that each audit is conducted with maximum efficiency in a cost-effective manner. In adopting the guidelines, the committee shall consider relevant guidelines and standards of the American Institute of Certified Public Accountants to the extent that such guidelines and standards are~~

~~applicable and consistent with the purposes set forth in this subsection.~~

~~(i) All audit reports of legislative lobbying firms shall, upon completion by an independent contract auditor, be delivered to the President of the Senate and the Speaker of the House of Representatives for their respective review and handling. All audit reports of executive branch lobbyists, upon completion by an independent contract auditor, shall be delivered by the auditor to the Commission on Ethics.~~

Section 4. Section 11.405, Florida Statutes, is created to read:

11.405 The Florida Accountability Office.—

(1) There is created within the Legislature the Florida Accountability Office to conduct audits, reviews, examinations, investigations, evaluations, and assessments; to make recommendations regarding the operations, performance, and fiscal management of governmental entities of this state; and to report findings to the Legislature and public agencies regarding fiscal transparency, quality, effectiveness, efficiency, and possible improvements to the programs, operations, and performance of such governmental entities. The office shall be administered as directed by the Legislature or by agreement of the presiding officers of the Legislature.

(2) The office shall consist of the following units:

(a) The Division of the Auditor General, headed by the

Auditor General, the auditor required by s. 2, Art. III of the State Constitution, appointed by both houses of the Legislature acting concurrently, unless otherwise provided by joint rule of the Legislature. The Auditor General's term shall end on November 30 after the first general election following appointment. If a vacancy occurs while the Legislature is not in session, the President of the Senate and the Speaker of the House of Representatives may appoint a temporary successor by agreement. The Auditor General shall serve at the pleasure of the Legislature. The Division of the Auditor General shall be primarily responsible for financial audits required or authorized by law. The Auditor General shall be primarily responsible for audits authorized by s. 11.45(3)(a), (c), (g), (i), (m), (r), and (v).

(b) The General Accountability Division, headed by the General Accountability Officer appointed as provided by joint rule of the Legislature or the agreement of the presiding officers of the Legislature, unless otherwise organized as provided by joint rule of the Legislature or the agreement of the presiding officers of the Legislature. The General Accountability Division shall be primarily responsible for operational audits and compliance audits required or authorized by law. The General Accountability Division shall be primarily responsible for audits authorized by s. 11.45(3), except s. 11.45(3)(a), (c), (g), (i), (m), (r), and (v).

351 (c) The Office of Program Policy Analysis and Government
352 Accountability organized as provided by joint rule of the
353 Legislature or the agreement of the presiding officers of the
354 Legislature. The Office of Program Policy Analysis and
355 Government Accountability shall be primarily responsible for
356 performance audits required or authorized by law.

357 (d) The Public Integrity Division organized as provided by
358 joint rule of the Legislature or the agreement of the presiding
359 officers of the Legislature.

360 (3) The units shall cooperate and assist one another, as
361 resources allow, in order to make the most efficient use of the
362 resources of the Florida Accountability Office. A unit may not
363 conduct an audit or investigation that may interfere or disrupt
364 the audit or investigation conducted by another unit, but
365 cooperative audits and investigations may be conducted. A unit
366 shall assist, as requested by another unit, when its expertise
367 may be effectively utilized.

368 (4) Any unit may conduct any audit or investigation
369 authorized by s. 11.45, except a financial audit expressly
370 assigned to the Division of the Auditor General.

371 (5) When an audit or investigation is required or
372 authorized by general law, the unit conducting such audit or
373 investigation shall consult with the President of the Senate and
374 the Speaker of the House of Representatives for guidance
375 regarding the objectives and scope of such audit or

376 investigation.

377 (6) (a) The headquarters of the Florida Accountability
378 Office shall be at the state capital, but to facilitate auditing
379 and to eliminate unnecessary traveling, the Legislature may
380 establish field offices located outside the state capital.

381 (b) The Legislature shall provide sufficient
382 administrative support to assist the Florida Accountability
383 Office in all spending decisions within the annual operating
384 budget approved by the President of the Senate and the Speaker
385 of the House of Representatives. The Florida Accountability
386 Office shall employ qualified persons necessary for the
387 efficient operation of the various units. The duties and
388 compensation of such employees and a uniform personnel, job
389 classification, and pay plan for such employees shall be
390 established with the approval of the President of the Senate and
391 the Speaker of the House of Representatives, or their joint
392 designees in the units of the Florida Accountability Office.

393 (7) An officer or a salaried employee of the Florida
394 Accountability Office may not serve as the representative of any
395 political party or on any executive committee or other governing
396 body thereof; serve as an executive, officer, or employee of any
397 political party committee, organization, or association; or be
398 engaged on behalf of any candidate for public office in the
399 solicitation of votes or other activities on behalf of such
400 candidacy. The Auditor General or any employee of the Florida

Accountability Office may not become a candidate for election to public office unless she or he first resigns from office or employment.

Section 5. Section 11.406, Florida Statutes, is created to read:

11.406 Public Integrity Division investigations.—

(1) As used in this section, the term:

(a) "Appropriations project" means a specific appropriation or proviso defined as an appropriations project by legislative rule in the year in which it was enacted.

(b) "Investigation" means an audit, a review, or any other examination or inquiry into the factual basis of any complaint investigated pursuant to subsection (2).

(2) The Public Integrity Division of the Florida Accountability Office may receive and investigate a complaint alleging fraud, waste, abuse, mismanagement, or misconduct in connection with the expenditure of public funds.

(3) A complaint may be submitted to the Florida Accountability Office by:

(a) The President of the Senate.

(b) The Speaker of the House of Representatives.

(c) The chair of an appropriations committee of the Senate or the House of Representatives.

(d) Any unit of the Florida Accountability Office.

(e) Any inspector general.

426 (f) A whistle-blower reporting under s. 112.3187.

427 (4)(a) Upon receipt of a complaint, the Public Integrity
428 Division shall determine whether the complaint is supported by
429 sufficient information indicating a reasonable probability of
430 fraud, waste, abuse, mismanagement, or misconduct. If the Public
431 Integrity Division determines that the complaint is not
432 supported by sufficient information, the Public Integrity
433 Division shall notify the complainant in writing and the
434 complaint shall be closed.

435 (b) If the complaint is supported by sufficient
436 information and the Public Integrity Division determines that an
437 investigation into the matter has already been initiated by
438 another agency with investigative jurisdiction, the Public
439 Integrity Division may close the complaint, in which case the
440 Public Integrity Division must notify the complainant without
441 disclosing any confidential or exempt information relating to
442 such investigation.

443 (c) If the complaint is supported by sufficient
444 information and an investigation into the matter has not already
445 been initiated as described in paragraph (b), the Public
446 Integrity Division shall, within available resources and after
447 consultation with the other units of the Florida Accountability
448 Office, conduct an investigation and issue a report of the
449 investigative findings to the complainant and the President of
450 the Senate and the Speaker of the House of Representatives. The

451 Public Integrity Division may refer the matter to another unit
452 of the Florida Accountability Office, any appropriate law
453 enforcement agency, the Commission on Ethics, the Chief
454 Financial Officer, the Office of the Chief Inspector General, or
455 the applicable agency inspector general.

456 (5) (a) The Public Integrity Division may, when pertinent
457 to an investigation of a complaint, inspect and investigate the
458 books, records, papers, documents, data, operation, and physical
459 location of any public agency in this state, including any
460 confidential information; the public records of any entity that
461 has received direct appropriations or a direct payment of fees
462 or taxes collected by this state; and the records of any entity
463 that has contracted with this state whose records are subject to
464 public access pursuant to s. 287.058(1)(c). The Public Integrity
465 Division may agree to retain the confidentiality of confidential
466 information pursuant to s. 11.0431(2)(a).

467 (b) Upon request of the Public Integrity Division, the
468 Legislative Auditing Committee or any other committee of the
469 Legislature may issue subpoenas and subpoenas duces tecum, as
470 provided in s. 11.143, to compel testimony or the production of
471 evidence when deemed necessary to an investigation authorized by
472 this section. Consistent with s. 11.143, such subpoenas and
473 subpoenas duces tecum may be issued as provided by applicable
474 legislative rules or, in the absence of applicable legislative
475 rules, by the chair of the Legislative Auditing Committee with

476 the approval of the Legislative Auditing Committee and the
477 President of the Senate and the Speaker of the House of
478 Representatives, or with the approval of the President of the
479 Senate or the Speaker of the House of Representatives if such
480 officer alone designated the Legislative Auditing Committee.

481 (c) If the Legislature is not in session when a witness
482 fails or refuses to comply with a lawful subpoena or subpoena
483 duces tecum issued pursuant to this subsection, the subpoena or
484 subpoena duces tecum may be enforced as provided in s. 11.143,
485 and the Public Integrity Division, on behalf of the committee
486 issuing the subpoena or subpoena duces tecum, may file a
487 complaint before any circuit court of this state to enforce the
488 subpoena or subpoena duces tecum. Upon the filing of such
489 complaint, the court shall take jurisdiction of the witness and
490 the subject matter of the complaint and shall direct the witness
491 to respond to all lawful questions and to produce all lawfully
492 demanding documentary evidence in the possession of the witness.
493 The failure of a witness to comply with such order constitutes a
494 direct and criminal contempt of court and the court shall punish
495 the witness accordingly.

496 (d) When the Legislature is in session, upon request of
497 the Public Integrity Division directed to the committee issuing
498 the subpoena or subpoena duces tecum, either house of the
499 Legislature may seek compliance with the subpoena or subpoena
500 duces tecum in accordance with the State Constitution, general

501 law, the joint rules of the Legislature, or the rules of the
502 house of the Legislature whose committee issued the subpoena or
503 subpoena duces tecum.

504 (6) The Public Integrity Division shall receive copies of
505 all reports required by ss. 14.32, 17.325, and 20.055.

506 (7)(a) Beginning with the 2027-2028 fiscal year, the
507 Auditor General and the Public Integrity Division, within
508 available resources, shall randomly select and review
509 appropriations projects appropriated in the prior fiscal year
510 and, if appropriate, investigate and recommend an audit of such
511 projects. The review, investigation, or audit may be delayed on
512 a selected project until a subsequent year if the timeline of
513 the project warrants such delay. Each review, investigation, or
514 audit must include, but is not limited to, an evaluation of the
515 appropriations project recipient's efficient and effective
516 administration of the project. When an audit is recommended by
517 the Public Integrity Division under this subsection, the Auditor
518 General shall determine whether the audit is appropriate. All
519 such determinations shall be reported to the Joint Legislative
520 Auditing Committee.

521 (b) Beginning with the 2027-2028 fiscal year, the Auditor
522 General and the Public Integrity Division, within available
523 resources, may select and review, investigate, or audit the
524 financial activities of any political subdivision, special
525 district, public authority, public hospital, state or local

council or commission, unit of local government, or public education entity in this state, as well as any authority, council, commission, direct-support organization, institution, foundation, or similar entity created by law or ordinance to pursue a public purpose, entitled by law or ordinance to any distribution of tax or fee revenues, or organized for the sole purpose of supporting one of the public entities listed in this paragraph.

Section 6. Section 11.407, Florida Statutes, is created to read:

11.407 General Accountability Division audits.—
Beginning on January 1, 2027, the General Accountability Division of the Florida Accountability Office shall conduct all operational audits and compliance audits required by law, including those previously assigned to the Auditor General or the Office of Program Policy Analysis and Government Accountability. The division may assist other units of the Florida Accountability Office in conducting any audit or investigation and conduct other audits authorized by law after consultation with other units of the Florida Accountability Office or as requested by the President of the Senate or the Speaker of the House of Representatives.

Section 7. Section 11.42, Florida Statutes, is amended to read:

11.42 The Auditor General.—

551 ~~(1) The Auditor General appointed in this section is the~~
552 ~~auditor that is required by s. 2, Art. III of the State~~
553 ~~Constitution.~~

554 (1)~~(2)~~ ~~The Auditor General shall be appointed to office to~~
555 ~~serve at the pleasure of the Legislature, by a majority vote of~~
556 ~~the members of the Legislative Auditing Committee, subject to~~
557 ~~confirmation by both houses of the Legislature. At the time of~~
558 ~~her or his appointment, the Auditor General shall have been~~
559 ~~certified under the Public Accountancy Law in this state for a~~
560 ~~period of at least 10 years and shall have had not less than 10~~
561 ~~years' experience in an accounting or auditing related field.~~
562 ~~Vacancies in the office shall be filled in the same manner as~~
563 ~~the original appointment.~~

564 ~~(3)(a) To carry out her or his duties the Auditor General~~
565 ~~shall make all spending decisions within the annual operating~~
566 ~~budget approved by the President of the Senate and the Speaker~~
567 ~~of the House of Representatives. The Auditor General shall~~
568 ~~employ qualified persons necessary for the efficient operation~~
569 ~~of the Auditor General's office and shall fix their duties and~~
570 ~~compensation and, with the approval of the President of the~~
571 ~~Senate and the Speaker of the House of Representatives, shall~~
572 ~~adopt and administer a uniform personnel, job classification,~~
573 ~~and pay plan for such employees.~~

574 (2)~~(b)~~ No person shall be employed as a financial auditor
575 who does not possess the qualifications to take the examination

576 for a certificate as certified public accountant under the laws
577 of this state, and no person shall be employed or retained as
578 legal adviser, on either a full-time or a part-time basis, who
579 is not a member of The Florida Bar.

580 (3)~~(4)~~ The Auditor General, before entering upon the
581 duties of the office, shall take and subscribe the oath of
582 office required of state officers by the State Constitution.

583 ~~(5) The appointment of the Auditor General may be~~
584 ~~terminated at any time by a majority vote of both houses of the~~
585 ~~Legislature.~~

586 ~~(6) (a) The headquarters of the Auditor General shall be at~~
587 ~~the state capital, but to facilitate auditing and to eliminate~~
588 ~~unnecessary traveling the Auditor General may establish field~~
589 ~~offices located outside the state capital. The Auditor General~~
590 ~~shall be provided with adequate quarters to carry out the~~
591 ~~position's functions in the state capital and in other areas of~~
592 ~~the state.~~

593 ~~(b) All payrolls and vouchers for the operations of the~~
594 ~~Auditor General's office shall be submitted to the Chief~~
595 ~~Financial Officer and, if found to be correct, payments shall be~~
596 ~~issued therefor.~~

597 (4)~~(7)~~ The Auditor General, in consultation with the units
598 of the Florida Accountability Office, may make and enforce
599 reasonable rules and regulations necessary to facilitate audits
600 which the Florida Accountability Office ~~she or he~~ is authorized

601 to perform. The Auditor General shall consult with other units
602 of the Florida Accountability Office and incorporate into such
603 rules the suggestions of each unit that may lead to more timely
604 and effective audits, examinations, and investigations.

605 ~~(8) No officer or salaried employee of the Office of the~~
606 ~~Auditor General shall serve as the representative of any~~
607 ~~political party or on any executive committee or other governing~~
608 ~~body thereof; serve as an executive, officer, or employee of any~~
609 ~~political party committee, organization, or association; or be~~
610 ~~engaged on behalf of any candidate for public office in the~~
611 ~~solicitation of votes or other activities in behalf of such~~
612 ~~candidacy. Neither the Auditor General nor any employee of the~~
613 ~~Auditor General may become a candidate for election to public~~
614 ~~office unless she or he first resigns from office or employment.~~
615 ~~No officer or salaried employee of the Auditor General shall~~
616 ~~actively engage in any other business or profession or be~~
617 ~~otherwise employed without the prior written permission of the~~
618 ~~Auditor General.~~

619 ~~(9) Sections 11.25(1) and 11.26 shall not apply to the~~
620 ~~Auditor General.~~

621 **Section 8. Section 11.45, Florida Statutes, is amended to**
622 **read:**

623 11.45 Definitions; duties; authorities; reports; rules.—

624 (1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

625 (a) "Abuse" means behavior that is deficient or improper

626 when compared with behavior that a prudent person would consider
627 a reasonable and necessary operational practice given the facts
628 and circumstances. The term includes the misuse of authority or
629 position for personal gain.

630 (b) "Audit" means a financial audit, operational audit, or
631 performance audit.

632 (c) "Compliance audit" means an operational audit or a
633 performance audit directed at the systems and processes,
634 governance, legal compliance, regulations, and contracts of an
635 agency, a program, or an activity, as well as any other
636 objectives specified by the entity requesting or directing the
637 examination.

638 (d)-(e) "County agency" means a board of county
639 commissioners or other legislative and governing body of a
640 county, however styled, including that of a consolidated or
641 metropolitan government, a clerk of the circuit court, a
642 separate or ex officio clerk of the county court, a sheriff, a
643 property appraiser, a tax collector, a supervisor of elections,
644 or any other officer in whom any portion of the fiscal duties of
645 a body or officer expressly stated in this paragraph are
646 separately placed by law.

647 (e)-(d) "Financial audit" means an examination of financial
648 statements in order to express an opinion on the fairness with
649 which they are presented in conformity with generally accepted
650 accounting principles and an examination to determine whether

operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards. When applicable, the scope of financial audits must encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other applicable federal law.

(f)~~(e)~~ "Fraud" means obtaining something of value through willful misrepresentation, including, but not limited to, intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity's assets, bribery, or the use of one's position for personal enrichment through the deliberate misuse or misapplication of an organization's resources.

(g)~~(f)~~ "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(h)~~(g)~~ "Local governmental entity" means a county agency, municipality, tourist development council, county tourism promotion agency, or special district as defined in s. 189.012. The term does not include any housing authority established under chapter 421.

676 ~~(i)-(h)~~ "Management letter" means a statement of the
677 auditor's comments and recommendations.

678 ~~(j)-(i)~~ "Operational audit" means an audit whose purpose is
679 to evaluate management's performance in establishing and
680 maintaining internal controls, including controls designed to
681 prevent and detect fraud, waste, and abuse, and in administering
682 assigned responsibilities in accordance with applicable laws,
683 administrative rules, contracts, grant agreements, and other
684 guidelines. Operational audits must be conducted in accordance
685 with government auditing standards or include a written
686 explanation for any departures from such standards in the audit
687 report. Such audits examine internal controls that are designed
688 and placed in operation to promote and encourage the achievement
689 of management's control objectives in the categories of
690 compliance, economic and efficient operations, reliability of
691 financial records and reports, and safeguarding of assets, and
692 identify weaknesses in those internal controls.

693 ~~(k)-(j)~~ "Performance audit" means an examination of a
694 program, activity, or function of a governmental entity,
695 conducted in accordance with applicable government auditing
696 standards or auditing and evaluation standards of other
697 appropriate authoritative bodies. The term includes an
698 examination of issues related to:

- 699 1. Economy, efficiency, or effectiveness of the program.
- 700 2. Structure or design of the program to accomplish its

701 goals and objectives.

702 3. Adequacy of the program to meet the needs identified by
703 the Legislature or governing body.

704 4. Alternative methods of providing program services or
705 products.

706 5. Goals, objectives, and performance measures used by the
707 agency to monitor and report program accomplishments.

708 6. The accuracy or adequacy of public documents, reports,
709 or requests prepared under the program by state agencies.

710 7. Compliance of the program with appropriate policies,
711 rules, or laws.

712 8. Any other issues related to governmental entities as
713 directed by the Legislative Auditing Committee.

714 (1)~~(*)~~ "Political subdivision" means a separate agency or
715 unit of local government created or established by law and
716 includes, but is not limited to, the following and the officers
717 thereof: authority, board, branch, bureau, city, commission,
718 consolidated government, county, department, district,
719 institution, metropolitan government, municipality, office,
720 officer, public corporation, town, or village.

721 (m)~~(1)~~ "State agency" means a separate agency or unit of
722 state government created or established by law and includes, but
723 is not limited to, the following and the officers thereof:
724 authority, board, branch, bureau, commission, department,
725 division, institution, office, officer, or public corporation,

as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

(n)~~(m)~~ "Waste" means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

(2) DUTIES.—The Florida Accountability Office ~~Auditor General~~ shall:

(a) Conduct audits of records and perform related duties as prescribed by law, concurrent resolution of the Legislature, or as directed by the Legislative Auditing Committee.

(b) Annually conduct a financial audit of state government.

(c) Annually conduct financial audits of all state universities and Florida College System institutions and verify the accuracy of the amounts certified by each state university and Florida College System institution chief financial officer pursuant to ss. 1011.45 and 1011.84.

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of less than 150,000, according to the most recent federal decennial statewide census; and the Florida School for the Deaf and the Blind.

(e) Once every 3 years, conduct financial audits of the accounts and records of all district school boards in counties

751 that have populations of 150,000 or more, according to the most
752 recent federal decennial statewide census.

753 (f) At least every 3 years, conduct operational audits of
754 the accounts and records of state agencies, state universities,
755 state colleges, district school boards, the Florida Clerks of
756 Court Operations Corporation, water management districts, and
757 the Florida School for the Deaf and the Blind.

758 (g) At least every 3 years, conduct a performance audit of
759 the local government financial reporting system, which, for the
760 purpose of this chapter, means any statutory provision related
761 to local government financial reporting. The purpose of such an
762 audit is to determine the accuracy, efficiency, and
763 effectiveness of the reporting system in achieving its goals and
764 to make recommendations to the local governments, the Governor,
765 and the Legislature as to how the reporting system can be
766 improved and how program costs can be reduced. The Office of
767 Program Policy Analysis and Government Accountability Auditor
768 ~~General~~ shall determine the scope of the audits. The local
769 government financial reporting system should provide for the
770 timely, accurate, uniform, and cost-effective accumulation of
771 financial and other information that can be used by the members
772 of the Legislature and other appropriate officials to accomplish
773 the following goals:

- 774 1. Enhance citizen participation in local government;
- 775 2. Improve the financial condition of local governments;

776 3. Provide essential government services in an efficient
777 and effective manner; and

778 4. Improve decisionmaking on the part of the Legislature,
779 state agencies, and local government officials on matters
780 relating to local government.

781 (h) At least every 3 years, conduct a performance audit of
782 the Department of Revenue's administration of the ad valorem tax
783 laws as described in s. 195.096. The audit report shall report
784 on the activities of the ad valorem tax program of the
785 Department of Revenue related to the ad valorem tax rolls. The
786 Office of Program Policy Analysis and Government Accountability
787 ~~Auditor General~~ shall include, for at least four counties
788 reviewed, findings as to the accuracy of assessment procedures,
789 projections, and computations made by the department, using the
790 same generally accepted appraisal standards and procedures to
791 which the department and the property appraisers are required to
792 adhere. However, the report may not include any findings or
793 statistics related to any ad valorem tax roll that is in
794 litigation between the state and county officials at the time
795 the report is issued.

796 (i) Once every 3 years, review a sample of internal audit
797 reports at each state agency, as defined in s. 20.055(1), to
798 determine compliance with current Standards for the Professional
799 Practice of Internal Auditing or, if appropriate, government
800 auditing standards.

(j) Conduct audits of local governmental entities when determined to be necessary by any unit of the Florida Accountability Office ~~the Auditor General~~, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the applicable unit ~~Auditor General~~ shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the ~~Auditor General's~~ previous report. The applicable unit ~~Auditor General~~ shall notify each member of the audited entity's governing body and the Legislative Auditing Committee of the results of its ~~his~~ ~~or her~~ determination. For purposes of this paragraph, local governmental entities do not include water management districts.

(k) Contact each district school board, as defined in s. 1003.01(7), with the findings and recommendations contained within the ~~Auditor General's~~ previous operational audit report. The district school board shall provide the Florida Accountability Office ~~Auditor General~~ with evidence of the initiation of corrective action within 45 days after the date it is requested by the Florida Accountability Office ~~Auditor General~~ and evidence of completion of corrective action within 180 days after the date it is requested by the Florida Accountability Office ~~Auditor General~~. If the district school board fails to provide such evidence ~~comply with the Auditor~~

826 ~~General's request~~ or is unable to take corrective action within
827 the required timeframe, the Florida Accountability Office
828 ~~Auditor General~~ shall notify the Legislative Auditing Committee.

829 (1) At least once every 3 years, conduct operational
830 audits of the accounts and records of eligible nonprofit
831 scholarship-funding organizations receiving eligible
832 contributions under s. 1002.395, including any contracts for
833 services with related entities, to determine compliance with the
834 provisions of that section. Such audits shall include, but not
835 be limited to, a determination of the eligible nonprofit
836 scholarship-funding organization's compliance with s.
837 1002.395(6)(1). The Florida Accountability Office ~~Auditor~~
838 ~~General~~ shall provide its report on the results of the audits to
839 the Governor, the President of the Senate, the Speaker of the
840 House of Representatives, the Chief Financial Officer, and the
841 Legislative Auditing Committee, within 30 days after ~~of~~
842 completion of the audit.

843 (m) At least once every 7 years, conduct an operational
844 and financial audit of each large-hub commercial service
845 airport. Each operational audit shall include, at a minimum, an
846 assessment of compliance with s. 332.0075, including compliance
847 with chapter 287, and compliance with the public records and
848 public meetings laws of this state. For purposes of this
849 paragraph, the term "large-hub commercial service airport" means
850 a publicly owned airport that has at least 1 percent of the

851 annual passenger boardings in the United States as reported by
852 the Federal Aviation Administration.

853 (n) At least once every 3 years, conduct an operational
854 audit of the Florida Birth-Related Neurological Injury
855 Compensation Association. Each operational audit shall include,
856 at a minimum, an assessment of compliance with ss. 766.303-
857 766.315 and compliance with the public records and public
858 meetings laws of this state. The first operational audit must be
859 completed by August 15, 2021.

860
861 Each unit of the Florida Accountability Office ~~Auditor General~~
862 shall perform its ~~his or her~~ duties independently from an
863 audited entity, exercising objective and impartial judgment, but
864 under the general policies established by the Legislative
865 Auditing Committee or the Legislature. This subsection does not
866 limit the Florida Accountability Office's ~~Auditor General's~~
867 discretionary authority to conduct other audits or engagements
868 of governmental entities as authorized in subsection (3).

869 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS. Any unit
870 of the Florida Accountability Office ~~Auditor General~~ may,
871 pursuant to its ~~his or her~~ own discretion ~~authority~~, or at the
872 direction of the Legislative Auditing Committee, the President
873 of the Senate, or the Speaker of the House of Representatives,
874 conduct audits or other engagements as determined appropriate by
875 the unit ~~Auditor General~~ of:

(a) The accounts and records of any governmental entity created or established by law.

(b) The information technology programs, activities, functions, or systems of any governmental entity created or established by law.

(c) The accounts and records of any charter school created or established by law.

(d) The accounts and records of any direct-support organization or citizen support organization created or established by law. The Florida Accountability Office ~~Auditor General~~ is authorized to require and receive any records from the direct-support organization or citizen support organization, or from its independent auditor.

(e) The public records associated with any appropriation made by the Legislature to a nongovernmental agency, corporation, or person. All records of a nongovernmental agency, corporation, or person with respect to the receipt and expenditure of such an appropriation shall be public records and shall be treated in the same manner as other public records are under general law.

(f) State financial assistance provided to any nonstate entity as defined by s. 215.97.

(g) The Tobacco Settlement Financing Corporation created pursuant to s. 215.56005.

(h) Any purchases of federal surplus lands for use as

901 sites for correctional facilities as described in s. 253.037.

902 (i) The Florida Development Finance Corporation or the
903 capital development board or the programs or entities created by
904 the board. The audit or report may not reveal the identity of
905 any person who has anonymously made a donation to the board
906 pursuant to this paragraph. The identity of a donor or
907 prospective donor to the board who desires to remain anonymous
908 and all information identifying such donor or prospective donor
909 are confidential and exempt from ~~the provisions of~~ s. 119.07(1)
910 and s. 24(a), Art. I of the State Constitution. Such anonymity
911 shall be maintained in the auditor's report.

912 (j) The records pertaining to the use of funds from
913 voluntary contributions on a motor vehicle registration
914 application or on a driver license application authorized
915 pursuant to ss. 320.023 and 322.081.

916 (k) The records pertaining to the use of funds from the
917 sale of specialty license plates described in chapter 320.

918 (l) The acquisitions and divestitures related to the
919 Florida Communities Trust Program created pursuant to chapter
920 380.

921 (m) The Florida Water Pollution Control Financing
922 Corporation created pursuant to s. 403.1837.

923 (n) The school readiness program, including the early
924 learning coalitions under part VI of chapter 1002.

925 (o) CareerSource Florida, Inc., the state board as defined

926 in s. 445.002, or the programs or entities created by the state
927 board under s. 445.004.

928 (p) The corporation defined in s. 455.32 that is under
929 contract with the Department of Business and Professional
930 Regulation to provide administrative, investigative,
931 examination, licensing, and prosecutorial support services in
932 accordance with ~~the provisions of~~ s. 455.32 and the practice act
933 of the relevant profession.

934 (q) The Florida Engineers Management Corporation created
935 pursuant to chapter 471.

936 (r) The books and records of any permitholder that
937 conducts race meetings or jai alai exhibitions under chapter
938 550.

939 (s) The corporation defined in part II of chapter 946,
940 known as the Prison Rehabilitative Industries and Diversified
941 Enterprises, Inc., or PRIDE Enterprises.

942 (t) The Florida Virtual School.

943 (u) Virtual education providers receiving state funds or
944 funds from local ad valorem taxes.

945 (v) The accounts and records of a nonprofit scholarship-
946 funding organization participating in a state sponsored
947 scholarship program authorized by chapter 1002.

948 (w) The Florida Tourism Industry Marketing Corporation.

949 (x) Tourist development councils and county tourism
950 promotion agencies.

(4) SCHEDULING AND STAFFING OF AUDITS.—

(a) Each financial audit required or authorized by this section, when practicable, shall be made and completed within not more than 9 months following the end of each audited fiscal year of the state agency or political subdivision, or at such lesser time which may be provided by law or concurrent resolution or directed by the Legislative Auditing Committee. When the Florida Accountability Office ~~Auditor General~~ determines that conducting any audit or engagement otherwise required by law would not be possible due to workload or would not be an efficient or effective use of its ~~his or her~~ resources based on an assessment of risk, then, in its ~~his or her~~ discretion, the Florida Accountability Office ~~Auditor General~~ may temporarily or indefinitely postpone such audits or other engagements for such period or any portion thereof, unless otherwise directed by the committee.

(b) The Florida Accountability Office ~~Auditor General~~ may, when ~~in his or her judgment it is~~ necessary, designate and direct any auditor employed by the Florida Accountability Office ~~Auditor General~~ to audit any accounts or records within the authority of the Florida Accountability Office ~~Auditor General~~ to audit. The auditor shall report his or her findings for review by the Florida Accountability Office ~~Auditor General~~, which ~~who~~ shall prepare the audit report.

(c) The audit report when final shall be a public record.

976 The audit workpapers and notes are not a public record; however,
977 those workpapers necessary to support the computations in the
978 final audit report may be made available by a majority vote of
979 the Legislative Auditing Committee after a public hearing
980 showing proper cause. The audit workpapers and notes shall be
981 retained by the Florida Accountability Office ~~Auditor General~~
982 until no longer useful in its ~~his or her~~ proper functions, after
983 which time they may be destroyed.

984 (d) At the conclusion of the audit, examination, or
985 investigation, the Florida Accountability Office ~~Auditor General~~
986 or the designated representative of the Florida Accountability
987 Office ~~Auditor General's designated representative~~ shall discuss
988 the audit, examination, or investigation with the official whose
989 office is subject to audit and submit to that official a list of
990 the Florida Accountability Office's ~~Auditor General's~~ findings
991 which may be included in the audit report. If the official is
992 not available for receipt of the list of audit findings, then
993 delivery is presumed to be made when it is delivered to his or
994 her office. The official shall submit to the Florida
995 Accountability Office ~~Auditor General~~ or the designated
996 representative, within 30 days after the receipt of the list of
997 findings, or within 15 days if specified in writing with the
998 delivery of the findings, his or her written statement of
999 explanation or rebuttal concerning all of the findings,
1000 including corrective action to be taken to preclude a recurrence

1001 of all findings.

1002 (e) The Florida Accountability Office ~~Auditor General~~
1003 shall provide the successor independent certified public
1004 accountant of a district school board with access to the prior
1005 year's working papers in accordance with the Statements on
1006 Auditing Standards, including documentation of planning,
1007 internal control, audit results, and other matters of continuing
1008 accounting and auditing significance, such as the working paper
1009 analysis of balance sheet accounts and those relating to
1010 contingencies.

1011 (5) PETITION FOR AN AUDIT BY THE FLORIDA ACCOUNTABILITY
1012 OFFICE ~~AUDITOR GENERAL~~.—

1013 (a) The Legislative Auditing Committee shall direct the
1014 Florida Accountability Office ~~Auditor General~~ to make an audit
1015 of any municipality whenever petitioned to do so by at least 20
1016 percent of the registered electors in the last general election
1017 of that municipality pursuant to this subsection. The supervisor
1018 of elections of the county in which the municipality is located
1019 shall certify whether or not the petition contains the
1020 signatures of at least 20 percent of the registered electors of
1021 the municipality. After the completion of the audit, the Florida
1022 Accountability Office ~~Auditor General~~ shall determine whether
1023 the municipality has the fiscal resources necessary to pay the
1024 cost of the audit. The municipality shall pay the cost of the
1025 audit within 90 days after the Florida Accountability Office's

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~~Auditor General's~~ determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Florida Accountability Office ~~Auditor General~~, withhold from that portion of the distribution pursuant to s. 212.20(6)(d)5. which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

(b) At least one registered elector in the most recent general election must file a letter of intent with the municipal clerk before ~~prior to~~ any petition of the electors of that municipality for the purpose of an audit. Each petition must be submitted to the supervisor of elections and contain, at a minimum:

1. The elector's printed name;
2. The signature of the elector;
3. The elector's residence address;
4. The elector's date of birth; and
5. The date signed.

All petitions must be submitted for verification within 1 calendar year after the audit petition origination by the municipal electors.

(6) REQUEST BY A LOCAL GOVERNMENTAL ENTITY FOR AN AUDIT BY

1051 THE FLORIDA ACCOUNTABILITY OFFICE ~~AUDITOR GENERAL~~.—Whenever a
1052 local governmental entity requests the Florida Accountability
1053 Office ~~Auditor General~~ to conduct an audit of all or part of its
1054 operations and the Florida Accountability Office ~~Auditor General~~
1055 conducts the audit under its ~~his or her~~ own authority or at the
1056 direction of the Legislative Auditing Committee, the expenses of
1057 the audit shall be paid by the local governmental entity. The
1058 Florida Accountability Office ~~Auditor General~~ shall estimate the
1059 cost of the audit. Fifty percent of the cost estimate shall be
1060 paid by the local governmental entity before the initiation of
1061 the audit and deposited into the General Revenue Fund of the
1062 state. After the completion of the audit, the Florida
1063 Accountability Office ~~Auditor General~~ shall notify the local
1064 governmental entity of the actual cost of the audit. The local
1065 governmental entity shall remit the remainder of the cost of the
1066 audit to the Florida Accountability Office ~~Auditor General~~ for
1067 deposit into the General Revenue Fund of this ~~the~~ state. If the
1068 local governmental entity fails to comply with paying the
1069 remaining cost of the audit, the Florida Accountability Office
1070 ~~Auditor General~~ shall notify the Legislative Auditing Committee.

1071 (7) FLORIDA ACCOUNTABILITY OFFICE ~~AUDITOR GENERAL~~
1072 REPORTING REQUIREMENTS.—

1073 (a) The Auditor General shall notify the Legislative
1074 Auditing Committee of any local governmental entity, district
1075 school board, charter school, or charter technical career center

1076 that does not comply with the reporting requirements of s.
1077 218.39.

1078 (b) The Florida Accountability Office ~~Auditor General~~, in
1079 consultation with the Board of Accountancy, shall review all
1080 audit reports submitted pursuant to s. 218.39. The Auditor
1081 General shall request any significant items that were omitted in
1082 violation of a rule adopted by the Auditor General. The items
1083 must be provided within 45 days after the date of the request.
1084 If the governmental entity does not comply with the Auditor
1085 General's request, the Auditor General shall notify the
1086 Legislative Auditing Committee.

1087 (c) The Auditor General shall provide annually a list of
1088 those special districts which are not in compliance with s.
1089 218.39 to the Special District Accountability Program of the
1090 Department of Commerce.

1091 (d) During the Florida Accountability Office's ~~Auditor~~
1092 ~~General's~~ review of audit reports, it ~~he or she~~ shall contact
1093 those units of local government, as defined in s. 218.403, that
1094 are not in compliance with s. 218.415 and request evidence of
1095 corrective action. The unit of local government shall provide
1096 the Florida Accountability Office ~~Auditor General~~ with evidence
1097 of corrective action within 45 days after the date it is
1098 requested by the Florida Accountability Office ~~Auditor General~~.
1099 If the unit of local government fails to comply with the Florida
1100 Accountability Office's ~~Auditor General's~~ request, the Florida

1101 Accountability Office ~~Auditor General~~ shall notify the
1102 Legislative Auditing Committee.

1103 (e) The Florida Accountability Office ~~Auditor General~~
1104 shall notify the Governor or the Commissioner of Education, as
1105 appropriate, and the Legislative Auditing Committee of any audit
1106 report reviewed by the office ~~Auditor General~~ pursuant to
1107 paragraph (b) which contains a statement that a local
1108 governmental entity, charter school, charter technical career
1109 center, or district school board has met one or more of the
1110 conditions specified in s. 218.503. If the Auditor General
1111 requests a clarification regarding information included in an
1112 audit report to determine whether a local governmental entity,
1113 charter school, charter technical career center, or district
1114 school board has met one or more of the conditions specified in
1115 s. 218.503, the requested clarification must be provided within
1116 45 days after the date of the request. If the local governmental
1117 entity, charter school, charter technical career center, or
1118 district school board does not comply with the Florida
1119 Accountability Office's ~~Auditor General's~~ request, the office
1120 ~~Auditor General~~ shall notify the Legislative Auditing Committee.
1121 If, after obtaining the requested clarification, the Florida
1122 Accountability Office ~~Auditor General~~ determines that the local
1123 governmental entity, charter school, charter technical career
1124 center, or district school board has met one or more of the
1125 conditions specified in s. 218.503, the office ~~he or she~~ shall

1126 notify the Governor or the Commissioner of Education, as
1127 appropriate, and the Legislative Auditing Committee.

1128 (f) The Florida Accountability Office ~~Auditor General~~
1129 shall annually compile and transmit to the President of the
1130 Senate, the Speaker of the House of Representatives, and the
1131 Legislative Auditing Committee a summary of significant findings
1132 and financial trends identified in audit reports reviewed in
1133 paragraph (b) or otherwise identified by the Florida
1134 Accountability Office's ~~Auditor General's~~ review of such audit
1135 reports and financial information, and identified in audits of
1136 district school boards conducted by the office ~~Auditor General~~.
1137 The Florida Accountability Office ~~Auditor General~~ shall include
1138 financial information provided pursuant to s. 218.32(1)(e) for
1139 entities with fiscal years ending on or after June 30, 2003,
1140 within the office's ~~his or her~~ reports submitted pursuant to
1141 this paragraph.

1142 (g) If the Florida Accountability Office ~~Auditor General~~
1143 discovers significant errors, improper practices, or other
1144 significant discrepancies in connection with its ~~his or her~~
1145 audits of a state agency or state officer, the Florida
1146 Accountability Office ~~Auditor General~~ shall notify the President
1147 of the Senate, the Speaker of the House of Representatives, and
1148 the Legislative Auditing Committee. The President of the Senate
1149 and the Speaker of the House of Representatives shall promptly
1150 forward a copy of the notification to the chairs of the

1151 respective legislative committees, which in the judgment of the
1152 President of the Senate and the Speaker of the House of
1153 Representatives are substantially concerned with the functions
1154 of the state agency or state officer involved. Thereafter, and
1155 in no event later than the 10th day of the next succeeding
1156 legislative session, the person in charge of the state agency
1157 involved, or the state officer involved, as the case may be,
1158 shall explain in writing to the President of the Senate, the
1159 Speaker of the House of Representatives, and ~~to~~ the Legislative
1160 Auditing Committee the reasons or justifications for such
1161 errors, improper practices, or other significant discrepancies
1162 and the corrective measures, if any, taken by the agency.

1163 (h) The Florida Accountability Office ~~Auditor General~~
1164 shall annually compile and transmit to the President of the
1165 Senate, the Speaker of the House of Representatives, and the
1166 Legislative Auditing Committee by December 1 of each year a
1167 report that includes a projected 2-year work plan identifying
1168 the audit and other accountability activities to be undertaken
1169 and a list of statutory and fiscal changes recommended by the
1170 Florida Accountability Office ~~Auditor General~~. The Florida
1171 Accountability Office ~~Auditor General~~ may also transmit
1172 recommendations at other times of the year when the information
1173 would be timely and useful for the Legislature.

1174 (i) The Florida Accountability Office ~~Auditor General~~
1175 shall annually transmit by July 15, to the President of the

Senate, the Speaker of the House of Representatives, and the Department of Financial Services, a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and local governmental entities that have failed to comply with the transparency requirements as identified in the audit reports reviewed pursuant to paragraph (b) and those conducted pursuant to subsection (2).

(j) The Florida Accountability Office ~~Auditor General~~ shall notify the Legislative Auditing Committee of any financial or operational audit report prepared pursuant to this section which indicates that a district school board, state university, or Florida College System institution has failed to take full corrective action in response to a recommendation that was included in the two preceding financial reports or any preceding operational audit report ~~reports~~.

1. The committee may direct the district school board or the governing body of the state university or Florida College System institution to provide a written statement to the committee explaining why full corrective action has not been taken or, if the governing body intends to take full corrective action, describing the corrective action to be taken and when it will occur.

2. If the committee determines that the written statement is not sufficient, the committee may require the chair of the

1201 district school board or the chair of the governing body of the
1202 state university or Florida College System institution, or the
1203 chair's designee, to appear before the committee.

1204 3. If the committee determines that the district school
1205 board, state university, or Florida College System institution
1206 has failed to take full corrective action for which there is no
1207 justifiable reason or has failed to comply with committee
1208 requests made pursuant to this section, the committee shall
1209 refer the matter to the State Board of Education or the Board of
1210 Governors, as appropriate, to proceed in accordance with s.
1211 1008.32 or s. 1008.322, respectively.

1212 (8) RULES OF THE AUDITOR GENERAL.—The Auditor General, in
1213 consultation with the Board of Accountancy, shall adopt rules
1214 for the form and conduct of all financial audits performed by
1215 independent certified public accountants pursuant to ss.
1216 215.981, 218.39, 1001.453, 1002.395, 1004.28, and 1004.70. The
1217 rules for audits of local governmental entities, charter
1218 schools, charter technical career centers, and district school
1219 boards must include, but are not limited to, requirements for
1220 the reporting of information necessary to carry out the purposes
1221 of the Local Governmental Entity, Charter School, Charter
1222 Technical Career Center, and District School Board Financial
1223 Emergencies Act as stated in s. 218.501.

1224 (9) TECHNICAL ADVICE PROVIDED BY THE AUDITOR GENERAL.—The
1225 Auditor General may provide technical advice to:

(a) The Department of Education in the development of a compliance supplement for the financial audit of a district school board conducted by an independent certified public accountant.

(b) Governmental entities on their financial and accounting systems, procedures, and related matters.

(c) Governmental entities on promoting the building of competent and efficient accounting and internal audit organizations in their offices.

Section 9. Section 11.47, Florida Statutes, is amended to read:

11.47 Penalties; failure to make a proper audit or examination; making a false report; failure to produce documents or information.—

(1) All officers whose respective offices the Florida Accountability Office ~~Auditor General or the Office of Program Policy Analysis and Government Accountability~~ is authorized to audit or examine shall enter into their public records sufficient information for proper audit or examination, and shall make the same available to the Florida Accountability Office ~~Auditor General~~ or the Office of Program Policy Analysis and Government Accountability on demand.

(2) The willful failure or refusal of the Auditor General, ~~director of the Office of Program Policy Analysis and Government Accountability,~~ or any staff employed by the Florida

1251 Accountability Office ~~Auditor General or the Office of Program~~
1252 ~~Policy Analysis and Government Accountability~~ to make a proper
1253 audit or examination in line with its ~~his or her~~ duty, the
1254 willful making of a false report as to any audit or examination,
1255 or the willful failure or refusal to report a shortage or
1256 misappropriation of funds or property shall be cause for removal
1257 from such office or employment, and the Auditor General, ~~the~~
1258 ~~director of the Office of Program Policy Analysis and Government~~
1259 ~~Accountability,~~ or a staff member commits ~~shall be guilty of~~ a
1260 misdemeanor of the first degree, punishable as provided in s.
1261 775.082 or s. 775.083.

1262 (3) Any person who willfully fails or refuses to provide
1263 access to an employee, officer, or agent of an entity subject to
1264 an audit or to furnish or produce any book, record, paper,
1265 document, data, or sufficient information necessary to a proper
1266 audit or examination which the Florida Accountability Office,
1267 Auditor General, or the Office of Program Policy Analysis and
1268 Government Accountability is by law authorized to perform
1269 commits a misdemeanor of the first degree, punishable as
1270 provided in s. 775.082 or s. 775.083.

1271 (4) Any officer who willfully fails or refuses to furnish
1272 or produce any book, record, paper, document, data, or
1273 sufficient information necessary to a proper audit or
1274 examination which the Florida Accountability Office, Auditor
1275 General, or the Office of Program Policy Analysis and Government

Accountability is by law authorized to perform, shall be subject to removal from office.

Section 10. Subsections (1) and (2) of section 11.51, Florida Statutes, are amended to read:

11.51 Office of Program Policy Analysis and Government Accountability.—

~~(1) The Office of Program Policy Analysis and Government Accountability is authorized to examine all entities and records listed in s. 11.45(3).~~

~~(2) At the conclusion of an examination, the designated representative of the Office of Program Policy Analysis and Government Accountability shall discuss the examination with the official whose office is examined and submit to that official the Office of Program Policy Analysis and Government Accountability's preliminary findings. If the official is not available for receipt of the preliminary findings, clearly designated as such, delivery thereof is presumed to be made when it is delivered to his or her office. Whenever necessary, the Office of Program Policy Analysis and Government Accountability may request the official to submit his or her written statement of explanation or rebuttal within 15 days after the receipt of the findings. If the response time is not requested to be within 15 days, the official shall submit his or her response within 30 days after receipt of the preliminary findings.~~

Section 11. Paragraph (g) of subsection (2) of section

1301 **14.32, Florida Statutes, is amended to read:**

1302 14.32 Office of Chief Inspector General.—

1303 (2) The Chief Inspector General shall:

1304 (g) Report expeditiously to and cooperate fully with the
1305 Department of Law Enforcement, the Chief Financial Officer, the
1306 Department of Legal Affairs, and any ~~other~~ law enforcement
1307 agency believed to have jurisdiction ~~agencies~~ when there are
1308 recognizable grounds to believe that there has been a violation
1309 of criminal law or that a civil action should be initiated.

1310 **Section 12. Subsections (1), (2), (5), (6), and (7) of**
1311 **section 112.3187, Florida Statutes, are amended to read:**

1312 112.3187 Adverse action against employee for disclosing
1313 information of specified nature prohibited; employee remedy and
1314 relief.—

1315 (1) SHORT TITLE.—Sections 112.3187-112.31901 ~~112.3187-~~
1316 ~~112.31895~~ may be cited as the "Whistle-blower's Act."

1317 (2) LEGISLATIVE INTENT.—It is the intent of the
1318 Legislature to prevent agencies or independent contractors from
1319 taking retaliatory action against an employee who reports to an
1320 appropriate agency violations of law on the part of a public
1321 employer or independent contractor ~~that create a substantial and~~
1322 ~~specific danger to the public's health, safety, or welfare.~~ It
1323 is further the intent of the Legislature to prevent agencies or
1324 independent contractors from taking retaliatory action against
1325 any person who discloses information to an appropriate agency

alleging improper use of governmental office, ~~gross~~ waste of funds, or any other abuse or ~~gross~~ neglect of duty on the part of an agency, public officer, or employee.

(5) NATURE OF INFORMATION DISCLOSED.—The information disclosed under this section must include:

(a) Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor ~~which creates and presents a substantial and specific danger to the public's health, safety, or welfare.~~

(b) Any act or suspected act of ~~gross~~ mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public funds, suspected or actual Medicaid fraud or abuse, or ~~gross~~ neglect of duty committed by an employee or agent of an agency or independent contractor.

(6) TO WHOM INFORMATION DISCLOSED.—The information disclosed under this section must be disclosed to any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Florida Accountability Office, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. 112.3189(1) or inspectors general under s. 20.055, the Florida Commission on Human Relations, and the whistle-blower's hotline created under s. 112.3189. However, for

disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief executive officer as defined in s. 447.203(9) or other appropriate local official.

(7) EMPLOYEES AND PERSONS PROTECTED.—This section protects employees and persons who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by the Florida Accountability Office or any agency or federal government entity; who refuse to participate in any adverse action prohibited by this section; or who initiate a complaint through the whistle-blower's hotline, ~~or~~ the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs, or any communication to the Florida Accountability Office; or employees who file any written complaint to their supervisory officials or employees who submit a complaint to the Florida Accountability Office, the Chief Inspector General in the Executive Office of the Governor, ~~to~~ the employee designated as agency inspector general under s. 112.3189(1), or ~~to~~ the Florida Commission on Human Relations. ~~The provisions of This~~ section may not be used by a person while he or she is under the care, custody, or control of the state correctional system or, after release from the care, custody, or control of the state

correctional system, with respect to circumstances that occurred during any period of incarceration. No remedy or other protection under ss. 112.3187-112.31895 applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under ss. 112.3187-112.31895 is being sought.

Section 13. Section 112.3188, Florida Statutes, is amended to read:

112.3188 Confidentiality of information given to the Florida Accountability Office, the Chief Inspector General, internal auditors, inspectors general, local chief executive officers, or other appropriate local officials.—

(1) The name or identity of any individual who discloses in good faith to the Florida Accountability Office, the Chief Inspector General or an agency inspector general, a local chief executive officer, or other appropriate local official information that alleges that an employee or agent of an agency or independent contractor:

(a) Has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, ~~thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare;~~ or

(b) Has committed or is suspected of having committed an act of ~~gross~~ mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public funds, or ~~gross~~ neglect of duty

1401
1402 may not be disclosed to anyone other than a member of the
1403 Florida Accountability Office, Chief Inspector General
1404 General's, agency inspector general ~~general's~~, internal auditor
1405 ~~auditor's~~, local chief executive officer ~~officer's~~, or other
1406 appropriate local officer ~~official's staff~~ without the written
1407 consent of the individual, unless the Florida Accountability
1408 Office, Chief Inspector General, internal auditor, agency
1409 inspector general, local chief executive officer, or other
1410 appropriate local official determines that: the disclosure of
1411 the individual's identity is necessary to prevent a substantial
1412 and specific danger to the public's health, safety, or welfare
1413 or to prevent the imminent commission of a crime; or the
1414 disclosure is unavoidable and absolutely necessary during the
1415 course of the audit, evaluation, or investigation.

1416 (2)(a) Except as specifically authorized by s. 112.3189,
1417 all information received by the Florida Accountability Office,
1418 the Chief Inspector General, or an agency inspector general or
1419 information produced or derived from fact-finding or other
1420 investigations conducted by the Florida Commission on Human
1421 Relations or the Department of Law Enforcement is confidential
1422 and exempt from s. 119.07(1) if the information is being
1423 received or derived from allegations as set forth in paragraph
1424 (1)(a) or paragraph (1)(b), and an investigation is active.

1425 (b) All information received by a local chief executive

1426 officer or appropriate local official or information produced or
1427 derived from fact-finding or investigations conducted pursuant
1428 to the administrative procedure established by ordinance by a
1429 local government as authorized by s. 112.3187(8)(b) is
1430 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1431 of the State Constitution, if the information is being received
1432 or derived from allegations as set forth in paragraph (1)(a) or
1433 paragraph (1)(b) and an investigation is active.

1434 (c) Information deemed confidential under this section may
1435 be disclosed by the Florida Accountability Office, ~~the~~ Chief
1436 Inspector General, agency inspector general, local chief
1437 executive officer, or other appropriate local officer ~~official~~
1438 receiving the information if the recipient determines that the
1439 disclosure of the information is absolutely necessary to prevent
1440 a substantial and specific danger to the public's health,
1441 safety, or welfare or to prevent the imminent commission of a
1442 crime. Information disclosed under this subsection may be
1443 disclosed only to persons who are in a position to prevent the
1444 danger to the public's health, safety, or welfare or to prevent
1445 the imminent commission of a crime based on the disclosed
1446 information.

1447 1. An investigation is active under this section if:

1448 a. It is an ongoing investigation or inquiry or collection
1449 of information and evidence and is continuing with a reasonable,
1450 good faith anticipation of resolution in the foreseeable future;

1451 or

1452 b. All or a portion of the matters under investigation or
1453 inquiry are active criminal intelligence information or active
1454 criminal investigative information as defined in s. 119.011.

1455 2. Notwithstanding sub-subparagraph 1.a., an investigation
1456 ceases to be active when:

1457 a. The written report required under s. 112.3189(9) has
1458 been sent by the Chief Inspector General to the recipients named
1459 in s. 112.3189(9);

1460 b. It is determined that an investigation is not necessary
1461 under s. 112.3189(5); or

1462 c. A final decision has been rendered by the local
1463 government or by the Division of Administrative Hearings
1464 pursuant to s. 112.3187(8) (b).

1465 3. Notwithstanding paragraphs (a), (b), and this
1466 paragraph, information or records received or produced under
1467 this section which are otherwise confidential under law or
1468 exempt from disclosure under chapter 119 retain their
1469 confidentiality or exemption.

1470 4. Any person who willfully and knowingly discloses
1471 information or records made confidential under this subsection
1472 commits a misdemeanor of the first degree, punishable as
1473 provided in s. 775.082 or s. 775.083.

1474 **Section 14. Subsections (1) through (4), paragraph (b) of**
1475 **subsection (5), and paragraph (c) of subsection (9) of section**

1476 **112.3189, Florida Statutes, are amended to read:**

1477 112.3189 Investigative procedures upon receipt of whistle-
1478 blower information from certain state employees.—

1479 (1) This section only applies to the disclosure of
1480 information as described in s. 112.3187(5) by an employee or
1481 former employee of, or an applicant for employment with, a state
1482 agency, as the term "state agency" is defined in s. 216.011, to
1483 the Florida Accountability Office, ~~of~~ the Chief Inspector
1484 General of the Executive Office of the Governor, ~~or to~~ the
1485 agency inspector general. If an agency does not have an
1486 inspector general, the head of the state agency, as defined in
1487 s. 216.011, shall designate an employee to receive information
1488 described in s. 112.3187(5). For purposes of this section and s.
1489 112.3188 only, the employee designated by the head of the state
1490 agency shall be deemed an agency inspector general.

1491 (2) To facilitate the receipt of information described in
1492 subsection (1), the Chief Inspector General shall maintain an
1493 in-state toll-free whistle-blower's hotline and shall circulate
1494 among the various state agencies an advisory for all employees
1495 which indicates the existence of the toll-free number and its
1496 purpose and provides an address to which written whistle-blower
1497 information may be forwarded. At least once per month, an
1498 accurate summary of information received via the hotline shall
1499 be communicated to the Florida Accountability Office and
1500 maintained pursuant to s. 11.0431.

1501 (3) When a person alleges information described in s.
1502 112.3187(5), the Florida Accountability Office, the Chief
1503 Inspector General, or the agency inspector general actually
1504 receiving such information shall within 20 days after ~~of~~
1505 receiving such information determine:

1506 (a) Whether the information disclosed is the type of
1507 information described in s. 112.3187(5).

1508 (b) Whether the source of the information is a person who
1509 is an employee or former employee of, or an applicant for
1510 employment with, a state agency, as defined in s. 216.011.

1511 (c) Whether the information actually disclosed
1512 demonstrates reasonable cause to suspect that an employee or
1513 agent of an agency or independent contractor has violated any
1514 federal, state, or local law, rule, or regulation, thereby
1515 creating and presenting a substantial and specific danger to the
1516 public's health, safety, or welfare, or has committed an act of
1517 gross mismanagement, malfeasance, misfeasance, gross waste of
1518 public funds, or gross neglect of duty.

1519 (4) If the Florida Accountability Office, the Chief
1520 Inspector General, or the agency inspector general under
1521 subsection (3) determines that the information disclosed is not
1522 the type of information described in s. 112.3187(5), or that the
1523 source of the information is not a person who is an employee or
1524 former employee of, or an applicant for employment with, a state
1525 agency, as defined in s. 216.011, or that the information

disclosed does not demonstrate reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of ~~gross~~ mismanagement, malfeasance, misfeasance, ~~gross~~ waste of public funds, or ~~gross~~ neglect of duty, the Florida Accountability Office, the Chief Inspector General, or the agency inspector general shall notify the complainant of such fact and copy and return, upon request of the complainant, any documents and other materials that were provided by the complainant.

(5)

(b) If the Chief Inspector General or agency inspector general determines under paragraph (a) that an investigation is not required or not necessary, the Chief Inspector General or agency inspector general making such determination shall:

1. Copy and return, upon request of the complainant, any documents and other materials provided by the individual who made the disclosure.

2. Inform in writing the head of the state agency for the agency inspector general making the determination that the investigation is not necessary and the individual who made the disclosure of the specific reasons why an investigation is not necessary and why the disclosure will not be further acted on

under this section.

(9)

(c) The Chief Inspector General shall transmit any final report under this section, any comments provided by the complainant, and any appropriate comments or recommendations by the Chief Inspector General to the Governor, the Legislative Auditing Committee, the Florida Accountability Office, the investigating agency, and the Chief Financial Officer.

Section 15. Subsection (4) is added to section 112.31901, Florida Statutes, to read:

112.31901 Investigatory records.—

(4) This section shall not prevent the Florida Accountability Office from reviewing any records of any investigation under this section.

Section 16. Paragraph (e) of subsection (5) of section 112.3215, Florida Statutes, is amended to read:

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.—

(5)

(e) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be reviewed

1576 ~~subpoenaed~~ for purposes of an audit or examination directed by
1577 the Legislative Auditing Committee ~~pursuant to s. 11.40, and~~
1578 ~~such subpoena may be enforced in circuit court.~~

1579 **Section 17. Paragraph (b) of subsection (1) of section**
1580 **112.324, Florida Statutes, is amended to read:**

1581 112.324 Procedures on complaints of violations and
1582 referrals; public records and meeting exemptions.—

1583 (1) The commission shall investigate an alleged violation
1584 of this part or other alleged breach of the public trust within
1585 the jurisdiction of the commission as provided in s. 8(f), Art.
1586 II of the State Constitution:

1587 (b) Upon receipt of a written referral of a possible
1588 violation of this part or other possible breach of the public
1589 trust from the Governor, the Department of Law Enforcement, a
1590 state attorney, an inspector general, the Florida Accountability
1591 Office, or a United States Attorney.

1592
1593 Within 5 days after receipt of a complaint or referral by the
1594 commission, a copy must be transmitted to the alleged violator.

1595 **Section 18. Paragraph (r) of subsection (1) of section**
1596 **216.011, Florida Statutes, is amended to read:**

1597 216.011 Definitions.—

1598 (1) For the purpose of fiscal affairs of the state,
1599 appropriations acts, legislative budgets, and approved budgets,
1600 each of the following terms has the meaning indicated:

(r) "Fixed capital outlay" means the appropriation category used to fund real property (land, buildings, including appurtenances, fixtures and fixed equipment, structures, etc.), including additions, replacements, major repairs, and renovations to real property which materially extend its useful life or materially improve or change its functional use and may include ~~including~~ furniture and equipment necessary to furnish and operate a new or improved facility, and any other purpose designated as a fixed capital outlay by the Legislature, when appropriated by the Legislature in the fixed capital outlay appropriation category. Minor repairs and maintenance which do not materially extend the useful life or materially improve or change the functional use of a facility may be appropriated in an expense, contracted services, or special appropriation category.

Section 19. Subsections (1) and (2) of section 216.023, Florida Statutes, are amended to read:

216.023 Legislative budget requests to be furnished to Legislature by agencies.—

(1) The head of each state agency, except as provided in subsection (2), shall submit a final legislative budget request to the Legislature and to the Governor, as chief budget officer of the state, in the form and manner prescribed in the budget instructions and at such time as specified by the Executive Office of the Governor, based on the agency's independent

judgment of its needs. However, a state agency must ~~may not~~ submit its complete legislative budget request, including all supporting forms and schedules required by this chapter, no later than September 15 of each odd-numbered year and no later than October 15 of each even-numbered year unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees.

(2) The judicial branch and the Division of Administrative Hearings shall submit their complete legislative budget requests directly to the Legislature with a copy to the Governor, as chief budget officer of the state, in the form and manner as prescribed in the budget instructions. However, the complete legislative budget requests, including all supporting forms and schedules required by this chapter, shall be submitted no later than September 15 of each odd-numbered year and no later than October 15 of each even-numbered year unless an alternative date is agreed to be in the best interest of the state by the Governor and the chairs of the legislative appropriations committees.

Section 20. Section 216.052, Florida Statutes, is repealed.

Section 21. Subsection (3) of section 216.137, Florida Statutes, is amended to read:

216.137 Sessions of consensus estimating conferences;

workpapers.—

(3) WORKPAPERS.—The Office of Economic and Demographic Research ~~principal who is responsible for presiding over the session of a consensus estimating conference, or his or her designee,~~ is responsible for preparing and distributing the necessary workpapers before ~~prior to~~ the meetings of the conference. Unless exempt from s. 119.07(1), such workpapers must be posted on a publicly available Internet website no later than 5 p.m. of the 2nd business day, as defined in s. 61.046, before a scheduled session or meeting of a consensus estimating conference unless the session is a special impact session of the conference as provided in paragraph (1)(d), in which they must be posted no later than one hour before the scheduled impact session. Any principal may cancel a meeting of the conference if such workpapers have not been distributed prior to the meeting. The workpapers shall include comparisons between alternative information when such comparisons are warranted.

Section 22. Paragraph (b) of subsection (2) of section 216.177, Florida Statutes, is amended to read:

216.177 Appropriations acts, statement of intent, violation, notice, review and objection procedures.—

(2)

(b) If the chair or the ~~and~~ vice chair of the Legislative Budget Commission or the President of the Senate or ~~and~~ the Speaker of the House of Representatives timely advises ~~advise~~,

in writing, the Executive Office of the Governor or the Chief Justice of the Supreme Court that an action or a proposed action, including any expenditure of funds resulting from the settlement of litigation involving a state agency or officer, regardless of whether subject to the notice and review requirements of this chapter ~~or not~~, exceeds the delegated authority of the Executive Office of the Governor for the executive branch or the Chief Justice for the judicial branch, respectively, or is contrary to legislative policy and intent, the Governor or the Chief Justice of the Supreme Court shall void such action and instruct the affected state agency or entity of the judicial branch to change immediately its spending action or spending proposal until the Legislative Budget Commission or the Legislature addresses the issue. The written documentation shall indicate the specific reasons that an action or proposed action exceeds the delegated authority or is contrary to legislative policy and intent.

Section 23. Subsection (6) of section 216.192, Florida Statutes, is amended to read:

216.192 Release of appropriations; revision of budgets.—

(6) All budget actions, including the approval of annual release plans, taken pursuant to ~~the provisions of~~ this section are subject to the notice and review procedures set forth in s. 216.177.

Section 24. Paragraph (b) of subsection (1) of section

1701 **216.222, Florida Statutes, is amended to read:**

1702 216.222 Budget Stabilization Fund; criteria for
1703 withdrawing moneys.—

1704 (1) Moneys in the Budget Stabilization Fund may be
1705 transferred to the General Revenue Fund for:

1706 (b) Providing funding for an emergency as defined in s.
1707 252.34. The emergency must have been ~~declared by the Governor~~
1708 ~~pursuant to s. 252.36 or~~ declared by law. Such a transfer must
1709 be made pursuant to ~~s. 252.37, subject to the conditions in that~~
1710 ~~section, or pursuant to~~ an appropriation by law.

1711 **Section 25. Subsection (4) of section 216.262, Florida**
1712 **Statutes, is amended to read:**

1713 216.262 Authorized positions.—

1714 (4) Notwithstanding the provisions of this chapter
1715 relating to increasing the number of authorized positions, ~~and~~
1716 ~~for the 2025-2026 fiscal year only,~~ if the actual inmate
1717 population of the Department of Corrections in the current
1718 fiscal year exceeds the inmate population projections of the
1719 most recently adopted forecast published by the February 21,
1720 2025, Criminal Justice Estimating Conference for the current
1721 fiscal year by 1 percent for 2 consecutive months or 2 percent
1722 for any month, the Executive Office of the Governor, with the
1723 approval of the Legislative Budget Commission, shall immediately
1724 notify the Criminal Justice Estimating Conference, which shall
1725 convene as soon as possible to revise the estimates. The

Department of Corrections may then submit a budget amendment requesting the establishment of positions in excess of the number authorized by the Legislature and additional appropriations from unallocated general revenue sufficient to provide for essential staff, fixed capital improvements, and other resources to provide classification, security, food services, health services, and other variable expenses within the institutions to accommodate the estimated increase in the inmate population. All actions taken pursuant to this subsection are subject to review and approval by the Legislative Budget Commission. ~~This subsection expires July 1, 2026.~~

Section 26. Paragraph (b) of subsection (1) of section 216.292, Florida Statutes, is redesignated as paragraph (c), paragraph (a) of subsection (1), paragraph (a) of subsection (2), and paragraph (d) of subsection (4) are amended, and a new paragraph (b) is added to subsection (1) of that section, to read:

216.292 Appropriations nontransferable; exceptions.—

(1)(a) Funds provided in the General Appropriations Act or as otherwise expressly provided by law shall be expended only for the purpose for which appropriated, except that such moneys may be transferred as provided in this section when it is determined to be in the best interest of the state.

Appropriations for fixed capital outlay may not be expended for any other purpose. Appropriations may not be transferred between

1751 state agencies, or between a state agency and the judicial
1752 branch, unless specifically authorized in the General
1753 Appropriations Act or otherwise expressly provided by law.

1754 (b) The Executive Office of the Governor may transfer
1755 funds within and between state agencies for the sole purpose of
1756 implementing statewide distributions for Risk Management
1757 Insurance, Human Resource Services, Department of Administrative
1758 Hearings, and Data Processing Services. Transfers and
1759 adjustments are subject to the notice, review, and objection
1760 procedures of s. 216.177.

1761 (2) The following transfers are authorized to be made by
1762 the head of each department or the Chief Justice of the Supreme
1763 Court whenever it is deemed necessary by reason of changed
1764 conditions:

1765 (a) The transfer of appropriations funded from identical
1766 funding sources, except appropriations for fixed capital outlay,
1767 and the transfer of amounts included within the total original
1768 approved budget and plans of releases of appropriations as
1769 furnished pursuant to ss. 216.181 and 216.192, as follows:

1770 1. Between categories of appropriations within a budget
1771 entity, if no category of appropriation is increased or
1772 decreased by more than 5 percent of the original approved budget
1773 or \$250,000, whichever is greater, by all action taken under
1774 this subsection.

1775 2. Between budget entities within identical categories of

1776 appropriations, if no category of appropriation is increased or
1777 decreased by more than 5 percent of the original approved budget
1778 or \$250,000, whichever is greater, by all action taken under
1779 this subsection.

1780 3. Any agency exceeding salary rate established pursuant
1781 to s. 216.181(8) on June 30th of any fiscal year shall not be
1782 authorized to make transfers pursuant to subparagraphs 1. and 2.
1783 in the subsequent fiscal year.

1784 4. Notice of proposed transfers under subparagraphs 1. and
1785 2. shall be provided to the Executive Office of the Governor and
1786 the chairs of the legislative appropriations committees at least
1787 3 days before ~~prior to~~ agency implementation in order to provide
1788 an opportunity for review. The review shall be limited to
1789 ensuring that the transfer is in compliance with the
1790 requirements of this paragraph.

1791 5. ~~For the 2025-2026 fiscal year,~~ The review shall ensure
1792 that transfers proposed pursuant to this paragraph comply with
1793 this chapter, maximize the use of available and appropriate
1794 trust funds, and are not contrary to legislative policy and
1795 intent. ~~This subparagraph expires July 1, 2026.~~

1796 (4) The following transfers are authorized with the
1797 approval of the Legislative Budget Commission. Unless waived by
1798 the chair and vice chair of the commission, notice of such
1799 transfers must be provided 14 days before the commission
1800 meeting:

(d) The transfers necessary to accomplish the purposes of reorganization within state agencies or the judicial branch ~~authorized by the Legislature when the necessary adjustments of appropriations and positions have not been provided in the General Appropriations Act.~~

Section 27. Subsection (5) is added to section 409.8134, Florida Statutes, to read:

409.8134 Program expenditure ceiling; enrollment; budget amendments.—

(5) Notwithstanding ss. 216.181 and 216.292, the agency and the department may each submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, to realign funding within the Florida Kidcare program appropriation categories, or to increase budget authority in the Children's Medical Services network category, to address projected surpluses and deficits within the program or to maximize the use of state trust funds. A single budget amendment may be submitted by the agency and the department in the last quarter of the fiscal year.

Section 28. Subsection (9) is added to section 409.902, Florida Statutes, to read:

409.902 Designated single state agency; payment requirements; program title; release of medical records; budget amendments.—

(9) Notwithstanding ss. 216.181 and 216.292, the agency

may submit a budget amendment, subject to the notice, review, and objection procedures of s. 216.177, to realign funding within the Medicaid program appropriation categories to address projected surpluses and deficits within the program and to maximize the use of state trust funds. A single budget amendment may be submitted by the agency in the last quarter of the fiscal year.

Section 29. Paragraph (a) of subsection (7) of section 20.055, Florida Statutes, is amended to read:

20.055 Agency inspectors general.—

(7) In carrying out the investigative duties and responsibilities specified in this section, each inspector general shall initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government. For these purposes, each inspector general shall:

(a) Receive complaints and coordinate all activities of the agency as required by the Whistle-blower's Act pursuant to ss. 112.3187-112.31901 ~~ss. 112.3187-112.31895~~.

Section 30. Subsection (13) of section 760.06, Florida Statutes, is amended to read:

760.06 Powers of the commission.—Within the limitations provided by law, the commission shall have the following powers:

(13) To receive complaints and coordinate all activities

as required by the Whistle-blower's Act pursuant to ss.
112.3187-112.31901 ~~ss. 112.3187-112.31895.~~

Section 31. (1) (a) Each state agency must review the
agency's rules imposing audit requirements on public or private
entities and, on or before October 1, 2026, report any such rule
that is not specified in statute to the Joint Legislative
Auditing Committee.

(b) The Auditor General, the Joint Legislative Auditing
Committee, and the Office of Program Policy Analysis and
Government Accountability must jointly review all statutory
audit requirements imposed on public or private entities.

(2) (a) By October 1, 2027, the Auditor General, the Joint
Legislative Auditing Committee, and the Office of Program Policy
Analysis and Government Accountability shall deliver a report to
the President of the Senate, the Speaker of the House of
Representatives, and the Chief Inspector General that contains
the following information for each requirement identified in
subsection (1):

1. The citation for the requirement.
2. A recommendation as to the characterization of the
requirement as a financial audit, an operational audit, a
performance audit, or an examination.
3. An estimate of the average annual personnel and
administrative costs of administering or overseeing the
requirement.

1876 4. A recommendation as to which unit of the Florida
1877 Accountability Office should administer the requirement.

1878 5. Suggestions for any necessary revisions to the
1879 requirement, the definitions in s. 11.45, Florida Statutes, and
1880 related statutes to provide clarity and to better conform the
1881 wording of such provisions to the principles and language of the
1882 Government Accountability Office's Government Auditing
1883 Standards, 2024 edition, or any other pertinent auditing or
1884 investigation standards.

1885 (b) The President of the Senate and Speaker of the House
1886 of Representatives may provide additional legislative personnel
1887 and support as necessary to carry out this subsection.

1888 (3) The Administrative Procedures Committee and the
1889 Division of Law Revision shall provide any assistance necessary
1890 to carry out this section.

1891 **Section 32.** Except as otherwise expressly provided in this
1892 act, this act shall take effect July 1, 2026.